

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 15, 2008

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe, Major Poindexter and Superintendent Huskey.

Marc Carmichael, Debbie Scott, Bart Herriman, John Barnett, Grant Monahan, Jim Purucker, Jeff McKean, Lisa Goldner and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the April 1, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the April 15, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Four hundred twenty-six (426) renewals approved, fifty-eight (58) new and/or transfer permits approved, seven (7) permits approved for catering, four (4) permits approved for first year escrow, six (6) permits approved for second year escrow, eight (8) permits approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL84-23616 SPEEDWAY SUPERAMERICA, LLC – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR75-23444 AND 23445 MARTIN HERRERA, D/B/A MEXICO LINDO RESTAURANT – Chairman Heath noted this is a new type 103 application and a new type 210-1 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-07101 PAYLESS LIQUORS, INC. – Chairman Heath noted this is a type 217 transfer of ownership and location with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfers. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-93093 QUALITY AMUSEMENT, INC. – Chairman Heath noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR42-23744 (103), 23745 (210-1) AND 23260 (217) KATHERINE RENE THOMAS – Commissioner Guthrie stated this applicant applied for types 103, 210-1 and 217 permits; however, a person cannot hold all three of these types of permits.

Commissioner Guthrie moved to continue this matter until the applicant is able to verify which type of permit is needed. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR61-23811 CAR CREDIT AUTO SALES, INC. – Chairman Heath noted this is a new type 103 application and a new type 210-1 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-00098 T.P.C.1, INC. - Commissioner Guthrie noted this permit was originally issued as a type 210 permit; however, the location is outside the city limits of Indianapolis.

Commissioner Guthrie moved to convert this permit from a type 210 permit to a type 209 permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL61-23238 BUCHANAN & BUCHANAN ENTERPRISES, D/B/A TIKI HUT – Commissioner Guthrie noted this application was remanded to the local board by the Commission at the April 1, 2008 meeting. The local board contacted the Commission and requested this application not be remanded, but that the Commission decide. This would have been the second remand.

Commissioner Guthrie moved to reverse the remand and continue this matter for further investigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE - Vice Chairman Johnson moved to make nine (9) permits inactive. Seven (7) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR10-07528 FKB ENTERPRISE, INC. - Commissioner Guthrie noted this permit was made inactive; however, the owner has found a buyer who is ready to put the permit into use.

Commissioner Guthrie moved to reactivate the permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

RR49-98516 TUSCANY ITALIAN GRILL – Chairman Heath stated this permit was picked up by Excise for violations of IC 7.1. The business was cited for 34 minors, at least one of the minors being 14 years of age. The prosecutor and the permittee have agreed to the following settlement: \$4,500.00 fine, 15 day suspension starting April 1, 2008 through April 15, 2008, the business must close at 10:30 p.m., no 3rd party promoter events without prior, written approval from the Commission, and if the same or similar violations occur at this location the permit will result in an automatic revocation of the permit.

Commissioner Guthrie moved to approve the settlement. Motion seconded by Commissioner Sturtz and it was unanimously approved.

VILLAGE PANTRY AND AUTO CART – Major Poindexter made a presentation to the Commission regarding Village Pantry and Auto Cart with respect to the purchase of tobacco products from outside the store at the gas pump.

The Major stated this process begins with a gasoline purchase at the pump with a credit card, or cash. The customer will be able to order items from inside the store at a monitor on the pump. The clerk will fill the order and send it to the customer via a conveyer belt that goes from the store to the pump. Because purchasers of tobacco products must be 18, the first purchase must be made in person, with the clerk taking a thumbprint of the customer and making a copy of their identification. Future purchases will require the customer to have their thumbprint scanned at the pump before the purchase could be made.

Vice Chairman Johnson stated that he wanted this system to be inspected to see if the scanner process actually works.

Major Poindexter also stated that these Indianapolis locations are being used as test markets to see if this would be something that would interest customers.

Commissioner Guthrie moved to approve this system at this time on a test basis only. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

MAY COMMISSION MEETING – Chairman Heath stated the first Commission meeting in May will be Wednesday, May 7, 2008 at 10:00 a.m., due to the Primary Election Day holiday.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2008.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER